

REMARKS

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 2 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Robinson.

Claims 4-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson.

Claims 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of Anderson et al.

To expedite prosecution, claim 1 is amended to recite, *inter alia*:

a light emerging port for projecting the light including the first and second luminous fluxes onto skin of a person; ...

In the final rejection of June 16, 2002, the Examiner refers to the embodiment corresponding to FIG. 35 of Robinson. As is obvious from BRIEF DESCRIPTION OF THE DRAWINGS in this reference, FIGS. 35 through 37 show the construction of a common embodiment. In this embodiment of Robinson, as noted by the Examiner, light from the broadband light source 843 is divided sequentially by the wavelength separating device 817 into light rays of different wavelength bands to measure light in different wavelength bands sequentially.

However, amended claim 1 clarifies that the light emerging port is NOT adapted to project light by sequentially varying the wavelength band, but is adapted to emit light including a plurality of light rays in different wavelength bands (first and second luminous fluxes) and to project the light onto the skin of a person. Thus, amended claim 1 is patentable over Robinson.

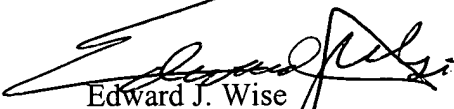
CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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VERSION WITH MARKINGS SHOWING CHANGES MADE

Please amend claim 1 as follows:

1. (Twice Amended) A bilirubin concentration measuring apparatus, comprising:
 - a light emitter for emitting a light which includes a first luminous flux falling in a first wavelength range and a second luminous flux falling in a second wavelength range, their bilirubin absorption coefficients differing from each other;
 - a light emerging port for projecting the light including the first and second luminous fluxes onto skin of a person;
 - a first light incident port for allowing the first and second luminous fluxes having been diffused in the skin to pass therethrough;
 - a second light incident port for allowing the first and second luminous fluxes having been diffused in the skin to pass therethrough, the second light incident port being spaced away from the light emerging port a different distance than the first light incident port;
 - a first electric signal generator for generating a first electric signal corresponding to an intensity of the first luminous flux passed through the first light incident port, and a second electric signal corresponding to an intensity of the second luminous flux passed through the first light incident port;
 - a second electric signal generator for generating a third electric signal corresponding to an intensity of the first luminous flux passed through the second light incident port, and a fourth electric signal corresponding to an intensity of the second luminous flux passed through the second light incident port; and

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a calculator for calculating a bilirubin concentration based on the first to fourth electric signals.